

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JUNE 17, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: EOT-34375 – EXTENSION OF TIME – SITE DEVELOPMENT**

**PLAN REVIEW – APPLICANT: NIGRO DEVELOPMENT - OWNER: SKY POINTE**

**HOTEL GROUP LLC**

---

**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: APPROVAL**, subject to:

**Planning and Development**

1. This Site Development Plan Review (SDR-19097) shall expire on May 2, 2011 unless another extension of time is approved by the City Council.
2. Conformance to the conditions of approval of Site Development Plan Review (SDR-19097) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for an Extension of Time of a previously approved Site Development Plan Review (SDR-19097) for a four-story, 50,478 square-foot hotel with a waiver to allow perimeter landscape buffer width of 14 feet for a three-foot section where 15 feet is the minimum required on 1.83 acres at the southwest corner of Tenaya Way and Sky Pointe Drive.

It is noted that there are two (2) related Extensions of Time (EOT-34413 and EOT-34376) that will be heard concurrently with this application.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
09/20/89	The City Council approved a request for a Rezoning (Z-0083-89) from N-U (Non-Urban) and C-2 (General Commercial) to R-3 (Limited Multiple Residential), R-PD6 (Residential Planned Development), R-PD18 (Residential Planned Development) and C-1 (Limited Commercial) of property located on the southeast corner of Rancho Drive and Tropical Parkway for an Apartment Retirement Community with Townhomes and Shopping Center. The Planning Commission recommended approval on 08/22/89.
10/03/95	The City Council approved a request for Rezoning (Z-0064-95) from C-2 (General Commercial) and N-U [(Non-Urban)- under Resolution of Intent to R-E (Residence Estates)] to C-1 (Limited Commercial) of property located on the north side of Ann Road between Tenaya Way and Rancho Drive for a proposed 96,900 square-foot Mini-Storage Facility and 171,000 square-foot Commercial Center.
05/02/07	The City Council approved a request for a Site Development Plan Review (SDR-19097) for a four-story, 50,478 square-foot Hotel with a waiver to allow perimeter landscape buffer width of 14 feet for a three-foot section where 15 feet is the minimum required on 1.83 acres at the southwest corner of Tenaya Way and Sky Pointe Drive. The Planning Commission recommended approval on 02/22/07.
05/02/07	The City Council approved a request for a Special Use Permit (SUP-19100) for a Hotel with a waiver to allow a distance separation of 80 feet from a residential use where 330 feet is the minimum required at the southwest corner of Tenaya Way and Sky Point Drive. The Planning Commission recommended approval on 02/22/07.

05/02/07	The City Council approved a request for a Variance (VAR-19447) to allow a four-story hotel where two-stories are the maximum permitted on 1.83 acres at the southwest corner of Tenaya Way and Sky Point Drive. The Planning Commission recommended approval on 02/22/07.
05/02/07	The City Council approved a request for a Master Sign Plan and waivers of the Town Center Development Standards Manual for a 65-high pylon sign where 24 feet high is the limit; to allow a pylon sign advertising one tenant where multiple tenants is required; and for a 12-foot high monument sign where eight feet high is the limit for a commercial development, located on the southwest corner of Tenaya Way and Sky Point Drive. The Town Center Architectural Committee recommended approval on 03/06/07.
05/21/08	The City Council approved a request for the Petition to Vacate a portion of a 10-foot wide public drainage easement at 5701 Sky Pointe Drive. The Planning Commission recommended approval on 04/24/08.
<b><i>Related Building Permits/Business Licenses</i></b>	
06/17/08	A building application (117925) was submitted for a trash enclosure at 5701 Sky Pointe Drive.
06/17/08	A building application (117926) was submitted for onsite/hardscape at 5701 Sky Pointe Drive.
08/04/08	A building application (117922) was submitted for a new hotel at 5701 Sky Pointe Drive.
08/13/08	A building application (117932) was submitted for a pool house at 5701 Sky Pointe Drive.
10/22/08	A building application (126809) was submitted for the grading of 4,583 cu. yards at 5701 Sky Pointe Drive.
10/22/08	A Plans Check application (28630) was submitted for a Hotel at 5701 Sky Pointe Drive. The plans are in the process of being reviewed by various departments.
<b><i>Pre-Application Meeting</i></b>	
A pre-application meeting is not required for this type of application, nor was one held.	
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required for this type of application, nor was one held.	

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	1.82

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped-proposed hotel	TC (Town Center)	T-C (Town Center) [SC-TC (Service Commercial-Town Center) Special Land Use designation]

North	Retail Establishment	TC (Town Center)	T-C (Town Center) [SC-TC (Service Commercial-Town Center) Special Land Use designation]
South	Auto Dealership	GC (General Commercial)	C-2 (General Commercial)
East	Restaurant	TC (Town Center)	T-C (Town Center) [SC-TC (Service Commercial-Town Center) Special Land Use designation]
West	Retail Establishment	TC (Town Center)	T-C (Town Center) [SC-TC (Service Commercial-Town Center) Special Land Use designation]

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>	X		Y
T-C Town Center District	X		Y
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>	X		Y
T-C (Town Center) District	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## ANALYSIS

This is the first request for an extension of time of a previous approved Site Development Plan Review (SDR-19097) for a four-story, 50,478 square-foot hotel with a waiver to allow perimeter landscape buffer width of 14 feet for a three-foot section where 15 feet is the minimum required on 1.83 acres at the southwest corner of Tenaya Way and Sky Pointe Drive. Title 19.18.050 deems a Site Development Plan Review exercised upon the issuance of a building permit for the principal structure on site, unless otherwise specified in connection with its approval. Several building permit applications have been received, but a permit has not yet been issued.

## **FINDINGS**

Construction for the proposed project has not yet begun; therefore, the applicant has not met the requirements to exercise the entitlement of the Site Development Plan Review (SDR-19097) as outlined in Title 19.18.050. The applicant is anticipating the issuance of permits for the proposed project by early 2010. Staff recommends approval of this request with a two-year time limit. Conformance to the conditions of approval of Site Development Plan Review (SDR-19097) shall be required.

<b><u>NEIGHBORHOOD ASSOCIATIONS NOTIFIED</u></b>	N/A
--	-----

<b><u>ASSEMBLY DISTRICT</u></b>	N/A
---------------------------------	-----

<b><u>SENATE DISTRICT</u></b>	N/A
-------------------------------	-----

<b><u>NOTICES MAILED</u></b>	N/A
------------------------------	-----

<b><u>APPROVALS</u></b>	0
-------------------------	---

<b><u>PROTESTS</u></b>	0
------------------------	---